

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

SHAKEEM ANTONIO BROXTON,	:	
	:	
Plaintiff,	:	Civil Action
	:	No. 5:23-cv-404 (CAR) (CHW)
v.	:	
	:	
MACON STATE PRISON, <i>et al.</i> ,	:	
	:	
Defendants.	:	

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ORDER ON RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

Currently before the Court is the Order and Recommendation of the United States Magistrate Judge [Doc. 4] recommending to (1) allow Plaintiff's claim against Sergeant Breanna Ingram for deliberate indifference to safety to proceed forward for further factual development; and (2) dismiss without prejudice Plaintiff Broxton's claims against Lieutenant Nicholson and Macon State Prison. Plaintiff filed a Response to the Order and Recommendation [Doc. 5] in which he preemptively moves for default judgment but does not object to the Magistrate's recommendations.

Construing Plaintiff's Response as a Motion for Default Judgment [Doc. 5], it is hereby **DENIED as premature**. Having considered the Recommendation, the Court agrees with the findings and conclusions of the United States Magistrate Judge. Accordingly, the Order and Recommendation [Doc. 4] is hereby **ADOPTED** and **MADE**

**THE ORDER OF THE COURT.** The claims against Lieutenant Nicholson and Macon State Prison are hereby **DISMISSED without prejudice**. Plaintiff's claim against Sergeant Breanna Ingram for deliberate indifference to safety remains pending.

**SO ORDERED**, this 6th day of February, 2024.

s/ C. Ashley Royal  
C. ASHLEY ROYAL, SENIOR JUDGE  
UNITED STATES DISTRICT COURT